

REMARKS

The present application contains claims 143-158, 200-205, 219-234 and 236-251. Claims 143-158, 200-205 and 219-232 were withdrawn from consideration. Claims 249-251 are new. Claims 233, 238 and 240 were amended.

Claims 233, 234 and 236-239 stand rejected under 35 U.S.C. §102(b) as being anticipated by Gifford (US patent 5,695,504). Applicants amended claim 233 to require engaging the blood vessel punched by the hole puncher, by the at least one spike. The amendment to claim 233 incorporates the subject matter of claim 235 into claim 233, reworded to clarify that the spike that engages the blood vessel is the spike that is passed through the lumen. Claim 235 was accordingly cancelled.

In Gifford, exterior surface features 116 of coupling member 102 do not engage the blood vessel that was punched by the puncher. Spikes 105 of connector 101 are not passed through a lumen of the puncher, but rather are located at the distal end of the hole puncher throughout the procedure.

The dependent claims are allowable because they depend on an allowable claim. Nonetheless, at least some of the dependent claims add further patentability over Gifford. For example, claim 238, as amended, requires removing a central cutter, while a surrounding sheath, that participated in the punching of the hole, remains with an end adjacent the blood vessel. In Gifford, both the central cutter 136 and the surrounding sheath 138 are removed between Fig. 5D and Fig. 5E.

Claims 240-248 stand rejected under 35 U.S.C. §102(b) as being anticipated by Gifford (US patent 5,695,504). Applicants respectfully traverse the rejection and state that the Examiner has not established a *prima facie* case of anticipation, as Gifford lacks at least one requirement of claim 240. In order to further the application towards allowance, applicants amended claim 240 to spell out clearly, that the sheath remaining in the vicinity of the blood vessel is the same sheath utilized in the cutting.

In Gifford, in contrast, the cutting sheath 137 is not the remaining sheath 125.

The dependent claims are allowable because they depend on an allowable claim. Nonetheless, at least some of the dependent claims add further patentability over Gifford. For example, the acts of new claims 249-251, which claim performing the acts that claims 246-248 state that the tissue engager is adapted to perform, are not taught or suggested by Gifford. Applicants are doubtful if the apparatus of Gifford could perform these tasks at all, and believe that claims 246-248 add patentability over Gifford to

claim 240. For brevity, however, applicants are not arguing these claims, as well as claims 244 and 245 whose limitations were previously argued.

Applicants respectfully point out that a Supplementary Information Disclosure Statement filed on August 10, 2004, included a 1-page 1449 Form. The form was never received in return initialed by the Examiner. Applicants are resubmitting the form again and respectfully request that the reference listed thereon be initialed by the Examiner. Applicants assume that the art has already been considered by the Examiner in accordance with MPEP 609.

In view of the above remarks, applicants submit that the claims are patentable over the prior art. Allowance of the application is respectfully awaited. If the Examiner is unable to agree that the elected claims are all patentable, he/she is respectfully requested to contact the undersigned at toll free 1 (877) 428-5468. This number connects directly to our office in Israel. Please note that Israel is 7 hours ahead of Washington and that our work week is Sunday-Thursday.

Respectfully Submitted,
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January 18, 2004
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